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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL CHAVEZ ZEPEDA, and
DENIS ZACARIAS PONCE CASTILLO

Defendants.

CASE NO. 2:22-cr-00064-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER**

DATE: January 9, 2024
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

1. By previous order, this matter was set for status on January 9, 2024.
2. By this stipulation, defendants now move to continue the status conference until **May 7, 2024, at 09:00 a.m.**, and to exclude time between January 9, 2024, and May 7, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 5,300 pages of investigative reports, photographs, phone toll records, and other materials, as well as video and audio recordings. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) On December 27, 2023, attorney Dina Santos was appointed as new counsel of
2 record for defendant Denis Zacarias Ponce Castillo. The United States is providing a new copy
3 of the discovery to Ms. Santos. Ms. Santos needs time to review the discovery, meet with her
4 new client, and familiarize with this new case.

5 c) Counsel for both defendants desire additional time to review the discovery, to
6 review the charges and potential responses to the charges with their clients, to conduct factual
7 investigation and legal research, and to otherwise prepare for trial.

8 d) Counsel for defendants believe that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of January 9, 2024 to May 7, 2024,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
18 because it results from a continuance granted by the Court at defendant's request on the basis of
19 the Court's finding that the ends of justice served by taking such action outweigh the best interest
20 of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

1 Dated: January 3, 2024

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ DAVID W. SPENCER
4 DAVID W. SPENCER
Assistant United States Attorney

5 Dated: January 3, 2024

6 /s/ Clemente Jimenez
Clemente Jimenez
7 Counsel for Defendant
JOSE MANUEL CHAVEZ ZEPEDA

8 Dated: January 3, 2024

9 /s/ Dina Santos
Dina Santos
10 Counsel for Defendant
DENIS ZACARIAS PONCE
11 CASTILLO

12
13 **ORDER**

14
15 IT IS SO FOUND AND ORDERED.

16
17 Dated: January 03, 2024

18 /s/ John A. Mendez
19 THE HONORABLE JOHN A. MENDEZ
20 SENIOR UNITED STATES DISTRICT JUDGE